

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Priority Mail, Tracking Number 9505 5141 4437 1306 3935 84,
addressed to Ashley Smith, 1853 See ave, Hamilton, Ohio 45011 with
a return address of David Smith, 1130 Nevada ave, Los Banos Ca
93635.

Case No. **1:21-MJ-00817**

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Priority Mail, Tracking Number 9505 5141 4437 1306 3935 84, addressed to Ashley Smith, 1853 See ave, Hamilton, Ohio 45011 with a return address of David Smith, 1130 Nevada ave, Los Banos Ca 93635.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

A quantity of a controlled substance and/or proceeds which are evidence thereof, and/or contraband, in violation of Title 21, United States Code, Section 841.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

Code Section	Offense Description
21 U.S.C. 841	Possession with intent to distribute a controlled substance

The application is based on these facts:

See attached affidavit of U.S. Postal Inspector Andrew W. Kremer

- ☒ Continued on the attached sheet.
- ☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

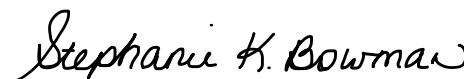
Andrew W. Kremer, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.
via electronic means, specifically Facetime video.

Date: Nov 5, 2021

City and state: Cincinnati, Ohio



Judge's signature

Stephanie K. Bowman
United States Magistrate Judge

Printed name and title



AFFIDAVIT

I, Andrew W. Kremer, having been duly sworn, depose and state:

1. I am a United States Postal Inspector, having been so employed since May 19, 2012. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the United States Postal Inspection Service (USPIS) with investigative responsibility for southwest Ohio and northern Kentucky. Part of my investigative responsibility involves the use of the United States Mail in the illegal transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.
2. I completed United States Postal Inspection Service Basic Training in August 2012. The training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the United States Mail. In addition to this formal training, I have worked since August 2012 with various federal, state and local law enforcement agencies in the investigation of the transportation of illegal drugs and their identification.
3. This Affidavit is made in support of a search warrant for the following property, namely the package associated with the following United States Postal Service ("USPS") Priority Mail, USPS Tracking Number:

a. **9505 5141 4437 1306 3935 84** (the "**Subject Package**")

This Affidavit is made in support of a warrant to search the **Subject Package** for evidence of a crime as well as contraband, fruits of a crime or other items illegally possessed in relation to the following offense:

- a. Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 841.

Because this Affidavit is submitted in support of the application of the United States to search the **Subject Package**, it does not include every fact known concerning this investigation. I have set forth facts and circumstances that I have relied upon to establish probable cause to justify the issuance of a warrant to search the **Subject Package**. The **Subject Package** is currently being held at the USPIS Cincinnati Field Office.

4. Based on my training and experience, I have become aware that drug traffickers frequently use Priority Mail Express and/or Priority Mail, services offered by the USPS, to transport narcotics and other dangerous controlled substances. As a result of investigations and successful controlled substance prosecutions where Priority Mail Express and/or Priority Mail were used, I have learned of certain characteristics associated with other Priority Mail Express and/or Priority Mail items previously identified as containing narcotics or other dangerous controlled substances. Some of these characteristics include (but are not necessarily limited to or used on every occasion): false or non-existent return address, addressee is not known to receive mail at

the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

5. Through training and experience, your Affiant realizes that drug traffickers frequently engage in drug transactions through the mail, store narcotics, their proceeds, or packaging materials, etc., in the presence of one another. Therefore, the odor of a controlled substance is often present on the package, packaging materials, or contents of the package, including financial proceeds from narcotics trafficking such as cash, money orders, or other financial instruments.
6. On or about November 4, 2021, I intercepted the **Subject Package** at the USPS Network and Distribution Center, Cincinnati, Ohio.

The **Subject Package** is further described as:

Priority Mail, USPS Tracking Number: 9505 5141 4437 1306 3935 84
Weighing approximately 27 pounds 5 ounces in a Medium Pen+Gear box. Total postage paid was \$104.25.

Sender: David Smith
1130 Nevada ave
Los Banos Ca 93635

Addressee: Ashley Smith
1853 See ave
Hamilton. Ohio 45011

7. I observed the **Subject Package** and reviewed USPS tracking information, which indicated the **Subject Package** was mailed at the Los Banos Post Office, Los Banos, California 93635.
8. I searched the CLEAR database for the listed return address of the **Subject Package**. CLEAR is an investigative platform available exclusively to law enforcement and other government investigators that contains public-record data about people and businesses. The information obtained from the system indicated that there is no David Smith associated with that address.
9. I searched the CLEAR database for the listed addressee of the **Subject Package**. The information obtained from the system indicated that there is no Ashley Smith associated with that address.
10. On or about November 4, 2021, I arranged for Deputy Nick Poole, Hamilton County Sheriff's Office to utilize a narcotics canine to check the **Subject Package**. Deputy Poole and his canine "Akim" are a currently certified narcotics team. The team is

certified by the Ohio Peace Officer Training Commission and the Ohio Office of the Attorney General. Deputy Poole reports that "Akim" passed all of his examinations and has successfully located hidden drugs in the past; I therefore consider "Akim" to be reliable. I met Deputy Poole at the USPIIS Cincinnati Field Office, where the **Subject Package** was placed in a separate room among several other similar packages and presented to "Akim", who alerted positively to the presence or odor of a controlled substance upon the **Subject Package**. Attached to this Affidavit, and incorporated by reference, is a photocopy of the narcotic canine handler's record of examination.

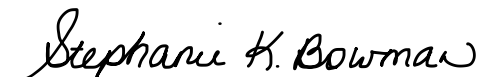
11. Based upon my experience and training, this information, along with the positive alert of narcotic canine "Akim," is indicative of the **Subject Package** containing narcotics or proceeds relating thereof.
12. Based upon the information contained in this Affidavit, I believe that there is probable cause to believe that the **Subject Package** will contain evidence and/or contraband, fruits of crime, or other items illegally possessed. Therefore, a search warrant to open the **Subject Package** is requested.

Further, your Affiant sayeth naught.



Andrew W. Kremer
U.S. Postal Inspector

Subscribed and sworn to and before me this 5th day of November, 2021.
via electronic means, specifically Facetime video.



Stephanie K. Bowman
United States Magistrate Judge





United States Postal Inspection Service
Pittsburgh Division

OFFICER AFFIDAVIT

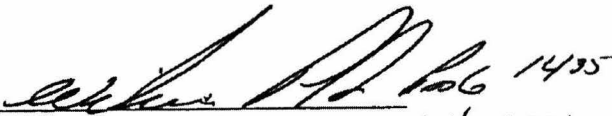
I, DEPUTY N. POOLE, AM, AND HAVE BEEN, EMPLOYED BY THE HAMILTON COUNTY SHERIFF'S OFFICE, SINCE 2004. AMONG OTHER DUTIES, I AM CURRENTLY THE ASSIGNED HANDLER OF NARCOTICS DETECTION CANINE "AKIM", WHICH IS TRAINED AND CERTIFIED IN THE DETECTION OF THE PRESENCE OR ODOR OF NARCOTICS DESCRIBED AS FOLLOWS:

Marijuana, Cocaine, Heroin, Methamphetamines, and their derivatives

ON 11/4/2021, AT THE REQUEST OF POSTAL INSPECTOR A. KREMER I RESPONDED TO THE US POSTAL INSPECTION SERVICE CINCINNATI FIELD OFFICE WHERE "AKIM" DID ALERT TO AND INDICATE UPON THE FOLLOWING DESCRIBED ITEM:

USPS Priority Mail, USPS Tracking Number: 9505 5141 4437 1306 3935 84, addressed to Ashley Smith, 1853 See ave, Hamilton. Ohio 45011 with a return address of David Smith, 1130 Nevada ave, Los Banos Ca 93635.

BASED ON MY TRAINING AND EXPERIENCE AND THAT OF "AKIM", I CONSIDER THE ABOVE DESCRIBED ITEM TO CONTAIN WITHIN OR UPON THE PRESENCE OR ODOR OF A NARCOTIC OR OTHER DANGEROUS CONTROLLED SUBSTANCE.


(Signature and Date) 11-4-2021